## APPENDIX D(1) [7 U.S.C. § 1378]

### § 1378. Transfer of acreage allotments ensuing from agency acquisition of farmlands.

(a) Allotment pool.

Notwithstanding any other provision of this chapter, the allotment determined for any commodity for any land from which the owner is displaced because of acquisition of the land for any purpose, other than for the continued production of allotted crops, by any Federal, State, or other agency having the right of eminent domain shall be placed in an allotment pool and shall be available only for use in providing allotments for other farms owned by the owner so displaced. Upon application to the county committee, within three years after the date of such displacement, or three years after the enactment of this section, whichever period is longer, any owner so displaced shall be entitled to have established for other farms owned by him allotments which are comparable with the allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor, and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided*, That the acreage used to establish or increase the allotments for such farms shall be transferred from the pool and shall not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. During the period of eligibility for the making of allotments under this section for a displaced owner, acreage allotments for the farm from which the owner was so displaced shall be established in accordance with the procedure applicable to other farms, and such allotments shall be considered to have been fully planted. After such allotment is made under this section, the proportionate part, or all, as the case may be, of the past acreage used in establishing the allotment most recently placed

in the pool for the farm from which the owner was so displaced shall be transferred to and considered for the purposes of future State, county, and farm acreage allotments to have been planted on the farm to which allotment is made under this section. Except where paragraph (c) requires the transfer of allotment to another portion of the same farm, for the purpose of this section (1) that part of any farm from which the owner is so displaced and that part from which he is not so displaced shall be considered as separate farms; and (2) an owner who voluntarily relinquishes possession of the land subsequent to its acquisition by an agency having the right of eminent domain shall be considered as having been displaced because of such acquisition.

**(b) Circumstances precluding application of provisions.**

The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of the commodity from the farm acquired by the Federal, State, or other agency or by the owner of the farm; (2) any of the commodity produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of the commodity produced on or marketed from such farm or due to a false acreage report.

**(c) Time of displacement determining application of provisions.**

This section shall not be applicable, in the case of cotton, tobacco, and peanuts to any farm from which the owner was displaced prior to 1950, in the case of wheat and corn, to any farm from which the owner was displaced prior to 1954, and in the case of rice, to any farm from which the owner was displaced prior to 1955. In any case where the cropland acquired for nonfarming purposes from an owner by an agency having the right of eminent domain repre-

sents less than 15 per centum of the total cropland on the farm, the allotment attributable to that portion of the farm so acquired shall be transferred to that portion of the farm not so acquired. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 378 (a—c). as added Aug. 28, 1958, Pub. L. 85-835, title V, § 501, 72 Stat. 995.)

CODIFICATION

Section is comprised of subsecs. (a—c) of act Feb. 16. 1938, § 378, as added Aug. 28, 1958, Pub. L. 85-835. Subsec. (d) is set out as Savings Clause note under this section.

SAVINGS CLAUSE

Section 378 (d) of act Feb. 16, 1938, as added by Pub. L. 85-835, § 501, provided in part that: "but any transfer or reassignment of allotment heretofore made under the provisions of these sections [former sections 1313 (h), 1334 (d), 1344 (h), 1353 (f) and 1358 (h) of this title] shall remain in effect, and any displaced farm owner for whom an allotment has been established under such repealed section [such sections] shall not be eligible for additional allotment under subsection (a) of this section [subsec. (a) of this section] because of such displacement."